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records required by this act to be kept; and the Commissioner of Health may further require persons dealing in, buying, selling, handling, or giving away drugs to make such reports to him, or to the bureau aforesaid, as he may deem necessary or advisable. This section shall not be construed to exclude the other duly constituted authorities in this Commonwealth from enforcing the provisions of this act.

Section 17. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved—The 11th day of July, A. D. 1917. (Act of General Assembly, No. 282).

Sale and Distribution of Narcotic Drugs in Massachusetts.—Section 1.. It shall be unlawful for any person, firm or corporation to sell, furnish, give away or deliver coca leaves or any cocaine or any alpha or beta eucaine or any synthetic substitute for them, or any salts, compound or derivative thereof, except decocainized coca leaves and preparations thereof, or any opium, morphine, heroin, codeine or any preparation thereof, or any salt, compound or derivative of the same, except upon the written order of a manufacturer or jobber in drugs, wholesale druggist, registered pharmacist actively engaged in business as such, physician, dentist, veterinarian, registered under the laws of the State in which he resides, or an incorporated hospital, college or scientific institution through its superintendent or official in immediate charge, or upon the written prescription of a physician, dentist or veterinarian, registered under the laws of the State in which he resides, bearing the date when signed, his office address, the registry number given him under public acts two hundred and twenty-three of the sixty-third congress, approved December seventeenth, nineteen hundred and fourteen, the legal signature of the physician, dentist or veterinarian giving it, the name and address of the patient for whom prescribed, which prescription, when filled, shall show the date of filling and shall be retained on file by the druggist filling it for a period of at least two years. The prescription shall not again be filled, nor shall a copy of the same be made, except for the purpose of record by the druggist filling the same, and it shall at all times be open to inspection by the officers of the State Department of Health, the board of registration in pharmacy, the board of registration in medicine and the authorized agents of said department and boards, and by the police authorities and police officers of cities and towns: Provided, however, that the provisions of this act shall not apply to prescriptions nor to the sale, distribution, giving away or dispensing or possession of preparations or remedies, if such prescriptions, preparations and remedies do not contain more than two grains of opium or more than one quarter of a grain of morphine, or more than one-eighth of a grain or heroin or more than one grain or codeine, or any salt, compound or derivative of any of them in one fluid ounce, or, if a solid or semi-solid preparation, in the avoirdupois ounce; nor to liniments, ointments or other preparations which are prepared for external use only, except liniments, ointments and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or derivatives, or any synthetic substitute for them; provided, that such preparations, remedies or prescriptions are sold, distributed, given away or dispensed or in possession in good faith as medicines and not for the purpose of evading the provisions of this act; and provided, further, that the possession of any of

the drugs mentioned in this act, except prescriptions and preparations or remedies especially exempted in this section, by any one not being a manufacturer or jobber of drugs, or wholesale druggist, registered pharmacist actively engaged in business as such, or a physician, dentist or veterinarian, registered under the laws of the State in which he resides, or superintendent or official in charge of an incorporated hospital, college or scientific institution shall be presumptive evidence that such possession was a violation of this act. The provisions of this section shall not apply to persons having in their possession any of the above mentioned articles by virtue of a legal prescription therefor, nor shall the provisions of this act apply to decocainized coca leaves or preparations made therefrom or to other preparations of coca leaves which do not contain cocaine.

Section 2. It shall be unlawful for any practitioner of veterinary medicine or surgery to prescribe any of the drugs mentioned in section one of this act for the use of a human being, and it shall be unlawful for any physician or dentist to prescribe, sell, give away or deliver any coca leaves or any cocaine or any alpha or beta eucaine or any compound, derivative or synthetic substitute for them, or opium, morphine, heroin, codeine or any preparation thereof, or any salt, compound or derivative of said substances to any person known to such physician or dentist to be an habitual user of those drugs, except when the drug is obviously needed for therapeutic purposes.

Section 3. The provisions of this act shall not be construed to prevent any lawfully authorized practitioner of medicine, dentistry, or veterinary medicine from prescribing, administering, dispensing or distributing any of the drugs mentioned in this act that may be indicated for any patient under his care: Provided, that such prescribing, administering, dispensing, or distributing is not for the purpose of evading the provisions of this act; and provided, further, that every physician, dentist or veterinarian shall, within twenty-four hours after such administering, dispensing or distributing, make a record in a book kept by him solely for that purpose of the date, the name and address of the patient to whom administered, dispensed or distributed, and the quantity and kind of such drug administered, dispensed or distributed, and provided, further, that such record shall not be required where the physician, dentist or veterinarian administers, dispenses or distributes any of the drugs mentioned in this act to a patient on whom he personally attends. Each page of the book shall be ruled and kept in substantially the following form:

Name of Physician or Dentist (sign in full on each page).

Date.

NAME OF PERSON TO WHOM

DISPENSED.

Address.

Drugs

dispensed.

Amount

dispensed.

Provided, however, that any form of record approved or required by the Commissioner of Internal Revenue under and by virtue of public acts two hundred and twenty-three of the sixty-third congress, approved December

seventeenth, nineteen hundred and fourteen, shall be deemed a sufficient record to comply with the requirements of this act. This record shall be at all times open to inspection by the State Department of Health, the board of registration in pharmacy, the board of registration in medicine and the authorized agents of said departments and boards, and by the police authorities and police officers of cities and towns.

Section 4. Any manufacturer or jobber of drugs, and any wholesale druggist and any registered pharmacist actively engaged in business as such, any physician, dentist or veterinarian registered under the laws of the State in which he resides may sell coca leaves, cocaine or any alpha or beta eucaine or any synthetic substitute for them or any preparation containing the same, or any salts, compound or derivative thereof, or any opium, morphine, codeine, heroin or any preparation thereof, or any salt or compound or derivative of such substances, to any manufacturer or jobber in drugs, wholesale druggist, registered pharmacist actively engaged in business as such, or physician, dentist or veterinarian registered under the laws of the State in which he resides, or to any incorporated hospital, college or scientific institution, but such substances or preparations, excepting such preparations as are included within the exemptions set forth in section one, shall be sold only upon the written order of an incorporated hospital, college or scientific institution, duly signed by its superintendent or official in immediate charge, or upon a written order duly signed by such manufacturer or jobbers in drugs, wholesale druggist, registered pharmacist actively engaged in business as such, or physician, dentist or veterinarian registered under the laws of the State in which he resides, which order shall state the article or articles ordered, the quantity ordered and the date. The said orders shall be kept on file in the laboratory, warehouse, pharmacy or store in which they are filled by the proprietor thereof or his successors for a period of not less than two years after the date of delivery, and shall be at all times open to inspection by the State Department of Health, the board of registration in pharmacy, the board of registration in medicine and the authorized agents of said departments and boards, and by the police authorities and police officers of cities and towns.

Section 5. Any manufacturer or jobber in drugs and any wholesale druggist and any registered pharmacist actively engaged in business as such, physician, dentist or veterinarian registered under the laws of the State in which he resides, and any incorporated hospital, college or scientific institution through its superintendent or official in immediate charge that shall give an order for any of the aforesaid drugs in accordance herewith shall preserve a duplicate thereof for a period of two years after the date of giving the same, which shall at all times be open to inspection by the State Department of Health, members of the board of registration in pharmacy, the board of registration in medicine and the authorized agents of said departments and boards, and by the police authorities and police officers of cities and towns. The order now or hereafter required by the regulations of the Commissioner of Internal Revenue under and by virtue of public acts number two hundred and twenty-three of the sixty-third congress, approved December seventeenth, nineteen hundred and fourteen, shall be deemed to be sufficient order to comply with this and the preceding section.

Section 6. Any person who, for the purpose of evading or assisting in the

evasion of any provision of this act shall falsely represent that he is a physician, dentist or veterinarian, or that he is a manufacturer or jobber in drugs or wholesale druggist or pharmacist actively engaged in business as such, or that he is superintendent or official in immediate charge of an incorporated hospital, college or scientific institution, or a person registered under public act two hundred and twenty-three of the sixty-third congress, approved December seventeenth, nineteen hundred and fourteen, or who, not being an authorized physician, dentist or veterinarian, makes or alters a prescription for any of the substances above mentioned shall be deemed guilty of a violation of this act.

Section 7. The possession of a federal certificate issued under and by virtue of public act number two hundred and twenty-three of the sixty-third congress, approved December seventeenth, nineteen hundred and fourteen by any person shall be *prima facie* evidence of an intent to sell, furnish, give away or deliver any of the drugs enumerated in this act.

Section 8. Nothing in this act shall apply to common carriers engaged in transporting the aforesaid drugs or to any employee, acting within the scope of his employment, of any person who shall lawfully be in possession, for the purpose of delivery, or any of the drugs mentioned in this act, or to any person who shall deliver any such drug which has been prescribed or dispensed by a physician, dentist or veterinarian registered under the laws of the State in which he resides who has been employed to prescribe for the particular patient receiving such drug, or to a nurse under the supervision of a physician, dentist or veterinarian having possession or control by virtue of his employment or occupation and not on his own account, or to the possession of any of the aforesaid drugs which have been prescribed in good faith by a physician, dentist or veterinarian, or to any United States, State, county municipal, district, territorial or insular officer or official who has possession of any of said drugs by reason of his official duties, or who, as an officer or duly appointed agent of any incorporated society for the suppression of vice, has the same in his possession for the purpose of assisting in the prosecution of violations of this act.

Section 9. The provisions of this act, except those sections which require the ordering of the above enumerated drugs on an official order blank and the keeping of the same on file, and the keeping of the record relative thereto, shall apply to cannabis indica and cannabis sativa, except that the same shall not apply to prescriptions, preparations or remedies which do not contain more than one half grain of extract of cannabis indica or more than one half grain or extract of cannabis sativa in one fluid ounce, or if a solid or semi-solid preparation in the avoirdupois ounce, nor to liniments, ointments or other preparations containing cannabis indica and cannabis sativa, which are prepared for external use only.

Section 10. The repeal of any law by this act shall not affect any action, suit or prosecution pending at the time of the repeal for an offense committed, or for the recovery of a penalty, or forfeiture incurred, under any of the laws repealed.

Section 11. Whoever violates any provision of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the house of correction or jail for a term not exceeding one year, or by both such fine and imprisonment.

Section 12. Chapters six hundred and ninety-four and seven hundred and eighty-eight of the acts of the year nineteen hundred and fourteen, and sections two to six, inclusive, of chapter three hundred and eighty-seven of the acts of the year nineteen hundred and ten, are hereby repealed.

Approved April 20, 1915. (Chap. 187, page 4.)

Grand Jury Resolution Relating to Narcotic Drugs.—Whereas, The Grand Jurors, United States of America, for the Southern District of New York, upon their sworn oaths have impartially caused to be found during their September, 1917, Term, an unlimited number of indictments against an army of defendants for flagrant violations of an Act of Congress approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations; and consummated within the jurisdiction of the Southern District of New York; and

Whereas, It has come to the official attention, observation and knowledge of the Grand Jurors, United States of America, Southern District of New York, that notwithstanding the stringent provisions of this Act of Congress as aforesaid and its strict enforcement by the United States Internal Revenue and other agents of the United States, it was amazing, revolting and shocking to hear the testimony under oath of the various witnesses before the Grand jurors, in particular the addicts, as to with what ease they purchased and obtained such narcotic drugs as heroin, morphia, cocaine, and opium, from divers persons who illegally traffic and peddle the sale of these various narcotic drugs as aforesaid, and how certain physicians in the daily course of their professional practice personally, promiscuously write prescriptions for these addicts under guise of correctional medical treatment and radical cure, calling for the compounding of various narcotic drugs aggregating excessive doses, which said prescriptions these said addicts take to certain drug stores within the jurisdiction of the Southern District of New York for compounding and delivery to these said addicts, at fabulous and prohibitive prices; and

Whereas, These certain proprietors of drug stores are in league with these certain physicians under a partnership arrangement with a legally drawn contract whereby a scale of prices and profits accrue to these certain physicians based upon the amount of quantity of the narcotic drug so indicated on prescriptions; and

Whereas, This enormous, criminal trafficking in narcotic drugs in the City and County of New York within the jurisdiction of the Southern District of New York by confirmed addicts, convicted felons, unscrupulous persons, physicians, druggists and others is most revolting, shocking and disgraceful, a menace to the human race, and beyond the control of the Act of Congress approved December 17, 1914, and specially enacted to prevent and guard against such conditions.

Now, Therefore, Be It Resolved, That the Grand Jurors, United States of America, for the Southern District of New York, September, 1917, Term, now in session, after careful and mature consideration and due deliberation, by a unanimous vote of its body, a full quorum being present, mindful of its duties and powers, respectfully suggest and recommend the following:

That the entire output of the production and manufacture by all manufacturing and pharmaceutical chemists and other chemical manufacturers of opium or coca leaves, their salts, derivatives or preparations, etc., should be